(37)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.953 OF 2006

PETITIONER		M/s Siddaharth Construction, Through : Its Proprietor Narendra Kumar Parikh, S/o. Shri Pacchi Lal Parikh, Aged about 47 years, R/o Parikh Mansion Gudhiyari, Raipur, District Raipur (C.G.)
	Vs.	
RESPONDENTS	1.	State of Chhattisgarh, Through : Secretary, General Administration Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
	2.	Collector, Raipur (C.G.)
	3.	Chhattisgarh Grih Nirman Mandal, Through Executive Engineer, Division -1, Raipur, (C.G.) Office at – Virsavarkar Nagar, Salice – 3, Hirapur, Raipur, (C.G.)
	4.	Executive Engineer, Chhattisgarh Grih Nirman Mandal, Raipur (C.G.)

Present : Shri Y.C. Sharma, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned G.A. for the State.

(ORAL ORDER)
(Passed on 28th February, 2006)

The facts of the case are simple and straightforward. At the behest of the 3rd respondent, the 2nd respondent has taken initiative to acquire the land owned by the petitioner. Preliminary notification under Section 4(1) of the Land Acquisition Act 1984 (for short ' the Act') is already issued. The petitioner-land owner has filed his objections. Quite curiously, the 2nd respondent instead of conducting enquiry himself, by the impugned action, has authorised the Executive Engineer, Chhattisgarh Grih Nirman Mandal, Raipur, the 4th respondent herein to hear the objections of the petitioner.

Being aggrieved by the above action of the 2nd respondent , this writ petition is filed. The delegation made by the 2nd respondent is *ex facie* illegal and unauthorized. Under Section 5 of the Act the enquiry has to be conducted by the Land Acquisition Officer and he should hear the affected interests and he cannot delegate that power to anyone else, because, the Act does not contain any provision empowering the Land Acquisition Officer to sub-delegate his power under Section 5(A) of the Act to any other authority/officer. On that short ground, the writ petition is allowed and the impugned notification is quashed. No costs.

Sd/-
Chief Justice